

did not vote for more pollution or for backhanded legislative shenanigans to under cut environmental standards just to satisfy the greed and the campaign access paid for by many industrial polluters.

Together with other members of the Committee on Appropriations and of this House as a whole, we must do all that we can to spread the word about this sneak attack and to keep it from succeeding.

Nothing is more important than protecting our air, our water, our lands, the public's health.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4 p.m. today.

(Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess until 4:00 p.m.)

□ 1602

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHAYS) at 4 o'clock and 2 minutes p.m.

#### PROVIDING FOR CONSIDERATION OF H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 188 and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 188

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule, and the amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as pending. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, shall not be subject to amendment, and shall not be subject to a demand

for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. Further consideration of the bill for amendment shall proceed by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this rule, all time yielded is for purposes of debate only.

(Mr. DREIER asked and was given permission to include extraneous matter.)

Mr. DREIER. Mr. Speaker, House Resolution 188 is an open rule providing for consideration of H.R. 1976, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies appropriations bill for fiscal year 1996.

The rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations. The bill is to be read by title for amendment, and each title is to be considered as read.

The rule waives clause 2 of rule XXI—which prohibits unauthorized appropriations and legislation on an appropriations bill—and also waives clause 6 of rule XXI—which prohibits reappropriating unexpended balances of appropriations in general appropriations bills—against provisions of the bill.

Under the rule, it is in order to consider first an amendment printed in the rule to be offered by Mr. SKEEN of New Mexico. This amendment shall be considered as read. The amendment is debatable for 10 minutes divided between the chairman and ranking member of the Appropriations Committee. The amendment offered by Mr. SKEEN is not subject to amendment or to a demand

for a division of the question in the House or Committee of the Whole. If this amendment is adopted, it shall be considered as a part of the original text for the purpose of further amendment under the 5 minute rule. In allowing this amendment, we are following past practices of previous Congresses, in order to be as fair as we possibly can be on these appropriations bills.

This rule accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule does not require pre-printing, but simply encourages Members to take advantage of the option in order to facilitate consideration of amendments on the House floor.

Finally, House Resolution 188 provides for one motion to recommit, with or without instructions, as is the right of the minority members of the House.

Mr. Speaker, this is the fifth open rule to be offered during the consideration of the 1996 appropriations process—the sixth if you count the first Interior appropriations rule. House Resolution 188 is a typical open rule to be considered for general appropriations bills. This rule does not restrict the normal open amending process and any amendments that comply with the standing rules of the House may be offered.

H.R. 1976 appropriates a total of \$62.7 billion dollars, which is \$6.3 billion less than was appropriated last year. This bill provides \$13 billion in discretionary spending and \$49 billion in mandatory spending, a decrease of about \$5.3 billion below the amount available for fiscal year 1995. Clearly, the Appropriations Committee has had to balance a wide array of interests and had to make very difficult choices with drastically reduced resources.

With that in mind, I want to commend the close work of the authorizing and appropriating committees in crafting the legislation that will soon be before the House. They have worked together under an incredibly tight budget to ensure that all funding is spent where it is needed most. Together, they have responsibly sought to maintain functions that are crucial to the health and safety of the American consumer and the future success of this nation's farming communities.

H.R. 1976 was favorably reported out of the Committee on Appropriations, as was the open rule by the Rules Committee. I urge my colleagues to support the rule so that we may proceed with consideration of the merits of the legislation.

Mr. Speaker, I include for the RECORD information on the amendment process. The document referred to is as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,<sup>1</sup> 103D CONGRESS V. 104TH CONGRESS

[As of July 14, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open <sup>2</sup>	46	44	34	72
Modified Closed <sup>3</sup>	49	47	12	26
Closed <sup>4</sup>	9	9	1	2
Totals:	104	100	47	100

<sup>1</sup> This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

<sup>2</sup> An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

<sup>3</sup> A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

<sup>4</sup> A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

## SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 14, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95)
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95)
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95)
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95)
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95)
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95)
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95)
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95)
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95)
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95)
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95)
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PO: 229-100; A: 227-127 (2/15/95)
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PO: 230-191; A: 229-188 (2/21/95)
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95)
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95)
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95)
H. Res. 96 (2/24/95)	O	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95)
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95)
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257-155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PO: 234-191; A: 247-181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Appropriations	A: 242-190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217-211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423-1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228-204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253-172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414-4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PO: 252-170; A: 255-168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233-176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PO: 225-191; A: 233-183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PO: 223-180; A: 245-155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PO: 232-196; A: 236-191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PO: 221-178; A: 217-175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PO: 258-170; A: 271-152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PO: 236-194; A: 234-192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PO: 235-193; D: 192-238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PO: 230-194; A: 229-195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	

Codes: O=open rule; MO=modified open rule; MC=modified closed rule; C=closed rule; A=adoption vote; D=defeated; PO=previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, as my colleague has described, House Resolution 188 is a rule which provides 1 hour of general debate on the Department of Agriculture and Related Agencies bill for fiscal year 1996. The rule does provide waivers of clause 2 of rule XXI to allow unauthorized appropriations in provisions in the bill, as well as clause 6 of rule XXI prohibiting re-appropriations in some provisions. The rule also provides priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Mr. Speaker, I am concerned that the rule does provide waivers to allow certain legislative language in the bill which will weaken our Nation's food safety. This language in the bill will cut off funding for the Department of Agriculture's new plan to modernize its meat and poultry inspection program. I am very concerned over the protection of this language which will delay tougher food inspection standards which could expose thousands of people to deadly levels of the E. coli bacteria and other pathogens.

This is not the time, Mr. Speaker, to be weakening food inspection, especially inspection of safe meat. We all remember the 1993 outbreak of the deadly E. coli bacteria in a fast food restaurant that resulted in over 600 illnesses and 4 deaths. According to the Center for Disease Control, E. coli

causes 20,000 illnesses and up to 500 deaths each year, primarily among senior citizens and children. The Department has taken the correct action in moving forward to modernize and upgrade its food inspection system. Halting the program through this bill is unacceptable, and frankly, not in the interests of public safety. Just in the last few days, another strain of E. coli bacteria made 18 people ill in Montana. Unfortunately, an amendment offered to the rule to remove the protection for the weakening language failed in the Rules Committee.

If the weakening language in the bill is removed on a point of order, it will not in any way preclude the Agriculture Committee, in its oversight capacity, from continuing to negotiate

with the USDA on updating its meat inspection program. In fact, if the provision is not removed, we will have to go back to square one and start the food safety negotiations all over again. We just can't afford to prolong these new meat inspection regulations indefinitely. Human lives are at stake.

In addition to the food inspection issue, Mr. Speaker, I am concerned with several of the provisions in the bill which affect nutrition programs. While the committee, to its credit, included an increase to cover inflation in the Women, Infants, and Children's feeding program [WIC], the Administration's request for an additional \$90 million was not included. Had this request been honored, another 180,000 women and children per month would have been eligible to receive nutrition supplements. The bill also caps the total number of people who may receive WIC. I am afraid that a cap on total numbers of people served will eliminate an incentive for innovative cost savings to make the money go further.

With respect to food stamps, I note that the bill eliminates the \$2.5 billion reserve for food stamps that the Agriculture Department maintains to handle unexpectedly high demand. This is risky because in a sudden recession, we could see the people who legitimately qualify for help, unable to receive benefits. Also disturbing is the freeze in calculating the standard deduction for food stamp eligibility which will have the effect of forcing people to become ineligible for food stamps or having their benefits reduced.

The committee did increase funds for child nutrition programs such as school lunch and school breakfast. However, we will see some of the smaller programs such as donations to soup kitchens and TEFAP shrink.

Finally, in the Rules Committee hearing, Representative HARMAN did request an amendment known as the Brewster-Harman deficit reduction lockbox amendment. This would have allowed any savings obtained through floor votes to go into a special deficit reduction trust fund. Given the interest that many of us have in deficit reduction, I believe the Rules Committee should have made a lockbox amendment in order.

Because of these serious shortcomings in the bill, I do plan to ask for a "no" vote on the previous question. If the previous question is defeated, I will move to include language to strike the protection of the weakening language for USDA's meat inspection program, and to include the Brewster-Harman amendment under the rule.

Mr. Speaker, I reserve the balance of my time.

□ 1615

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me say that again this is an open rule, and the gentleman is right that we protect the

provisions that deal with the issue of meat inspection. While I am not an expert myself on meat inspection, I am very expert on consumption. With that, I should say that I am convinced, based on the action that was taken by the committee, that there is a tremendous effort that has been made in the area of inspection.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN], the distinguished chairman from the Subcommittee on Agricultural Appropriations, to deal with this issue.

Mr. SKEEN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, let me say right now insofar as meat inspection is concerned, and I understand the concern of the gentleman from Wisconsin and others who have worked with this, but the program that we are undergoing now does not extend the time for the adoption of new standards for meat inspection. It cuts it much shorter and expedites the process of initiating the HACCP Program.

This is taken at the behest of the Secretary of Agriculture, along with other people who have been very much interested and very much involved in trying to speed up this process and make it one of common understanding and agreement between the processors as well as those who are concerned about the health and safety of the meat inspection program. But it is a new scientific program that must be initiated. It is a drastic change, I do admit, that has caused a great deal of controversy.

The process is ongoing, as we speak, at the behest of the Secretary of Agriculture, and I would ask the gentleman to consider this when considering voting against or opposing the previous question. I do not have any other comment.

The gentleman from New York [Mr. WALSH] is on his way over, Mr. Speaker, and he is in direct negotiation on this particular program. I would say this, that voting against the previous question is not going to help this matter be resolved or speed it up or anything else. As a matter of fact, it may delay it.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, let me simply say, because of my great respect for the distinguished subcommittee chairman, I am very reluctant to oppose the rule and the previous question on the rule but I feel compelled to, nonetheless.

Mr. Speaker, I come from a district that has a lot of farmers. I come from a district that has a lot of small towns. I also come from a district that has had direct recent experience with E. coli. In my hometown just this weekend, for instance, we had another case of E. coli break out. I think that drives home to everyone, whether you work

on a farm or you work in the city, the seriousness of the issue that will be debated when this bill eventually reaches the floor.

Mr. Speaker, I would say simply that I would like to see some middle ground on this. I understand the reasons why the gentleman from New York [Mr. WALSH] offered the amendment, because anybody who represents small businesses, and I have an awful lot of them in my district, you are bound to be concerned about the impact of any rule and any rulemaking process on small business.

I am also concerned, however, because I think that our committee frankly is not the right forum in which this issue ought to be discussed. This issue ought to be dealt with by the Committee on Agriculture. They know the most about the issue. The Committee on Appropriations is essentially a committee that is supposed to deal with budgets. If you want to have effective nonpolitical discussion of this issue, I think that it belongs in the policy committee, not a finance committee.

Nonetheless, it is here. If it is here, I would prefer, for instance, that in addition to the choice of either having the Walsh amendment or not having the Walsh amendment, that we would have a third option such as that proposed by the gentleman from Illinois [Mr. DURBIN] when he was in the full committee last week. It seems to me that would be a way to force compromise in the regulatory process without going to the extremes that the Walsh amendment does.

For that reason, I very reluctantly would simply state that I will also oppose the previous question on the rule and the rule itself, because I believe that something like the Durbin amendment perhaps would give us a much better way to deal with this issue than having to either go up or down on the Walsh amendment, which I personally prefer not to do.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New Mexico.

Mr. SKEEN. I thank the distinguished gentleman for yielding.

Mr. Speaker, the gentleman from Illinois [Mr. DURBIN] as I understand it is on his way here, and we are certainly going to give him every opportunity, and also the gentleman from New York [Mr. WALSH] is on his way.

I understand the argument that this matter should be debated in the Committee on Agriculture, but unfortunately that is not the case. This was dealt with through the Committee on Appropriations and begun through the Committee on Appropriations. We would be very happy to lend that purview to the Committee on Agriculture, but they are not up to speed on it. We have been in the thick of the negotiations.

At the behest of the Secretary of Agriculture, we have kept out of the negotiations between the two sides. Protecting small producers, small processors, is absolutely of major concern to us, because in many respects I think they view this as a threat to continuing business. We do not want that to happen. We want our food situation safe.

Mr. OBEY. Mr. Speaker, I would certainly agree with that. I would also say, however, that assuring the consuming public that they can safely consume these products to me is of utmost importance, obviously because of the public health questions involved and also because, frankly, people in the industry need to have the market security of people knowing that their products are perfectly safe.

But the problem with this rule is that the gentleman from Illinois [Mr. DURBIN] would not be able to offer the compromise proposal that he tried to offer in full committee, and because this rule goes out of its way to protect the base amendment, the Walsh amendment, which would not be in order normally under the rules of the House, it seems to me that we would be better off if we had another choice to choose from. But under the rule, we do not.

Mr. DREIER. Mr. Speaker, I am happy to yield such time as he may consume to my friend, the gentleman from Dodge City, KS [Mr. ROBERTS], the distinguished chairman of the Committee on Agriculture.

Mr. ROBERTS. I thank the gentleman for yielding me the time.

Mr. Speaker, I am out of breath. This is one of these I had not intended to speak but was viewing the proceedings on the floor and overheard the concern that was voiced by the distinguished gentleman from Wisconsin in regards to meat inspection and the rule that pertains to this issue.

As I catch my breath, I would like to inform the gentleman from Wisconsin that we held a meeting, a very important meeting, in this regard with Secretary Glickman of the Department of Agriculture. By we, I mean the distinguished ranking member, the chairman emeritus, if I can use that term, of the Committee on Agriculture, the gentleman from Texas [Mr. STENHOLM], who has been extremely active in regards to meat inspection and this subject; the gentleman from Missouri [Mr. VOLKMER] who is the ranking member of the appropriate subcommittee; and the gentleman from Wisconsin [Mr. GUNDERSON], the chairman of the subcommittee.

We will be doing, regardless of what happens on the proposed rulemaking, a bill, or legislation as it applies to meat inspection, not only in regards to meat but fish and also poultry.

The gentleman from New York who is not present and can speak for himself in regards to his amendment simply proposed that there would be some kind of rulemaking to make sure that there would be an open process as we

arrive at the proposed rules that make sense to guarantee food safety and the safety of our meat supply.

In meeting with Secretary Glickman, those of us who serve on the Committee on Agriculture expressed some concern with the proposed rulemaking. By that, I mean there are now two proposals: One involves the current regulations in regards to food safety and how the USDA conducts its meat inspection, which quite frankly in my personal opinion is not based entirely on sound science, it is very complex, it is very burdensome, and it is very costly.

Then we have this new proposal called HACCP. That is the hazard analysis control point. That is the better system. That is a system that we have all proposed in the Committee on Agriculture and all throughout agriculture to try to use sound science to guarantee the safety of our meat and to address the tragedy that happened in the Northwest in regards to E. coli.

The problem is that we cannot layer the two together without really getting to a real problem. The problem is the small meat locker industry and the meat processing industry, according to their concerns, have not been part of the process.

The problem is in regards to sound science again, we have some concerns that a better approach might be used. Then we have a small business concern where a lot of small meat lockers might be put out of business. That is a very real concern in farm country.

So we met with the Secretary. I have here a draft of a letter that the committee gave to the Secretary and the Secretary is working on it. He has another draft. It was supposed to be back at about 4:30.

I think that if we reach an agreement with Secretary Glickman, and I have talked this over with the gentleman from New York [Mr. WALSH], that if there is an open process and if we can guarantee at least the future of the small meat locker industry, and if we can use sound science approaches, and if the cowboys and all the livestock producers and the meat processors and the meat industry can be saying, "We are part of this process, we can sit at the table," and if in fact we can make sure in the layering of this process that we do not get into more red tape and regulations and a lot of perception but very little protection for the American consumer, I think we can work this out.

I would say to the gentleman that there is a process ongoing and hopefully in working with Secretary Glickman and the Committee on Agriculture, I think we can find an answer. It may be that the gentleman from New York at that particular time, who is part of the process, can simply withdraw his amendment, and we can all declare victory and we can all reach a product that we could agree upon.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply say that I would very much like to see something worked out, as a representative of a rural area myself. My concern, however, is that I would like to avoid a repeat of what we had on the rescissions bill where we were actually debating the language of one provision on the floor, on timber, for instance, while the language, itself, was being worked out between the administration and the committee in a room one floor below us in this building.

I would kind of like to know what agreements have been worked out before we decide whether we have to deal with the specifics of the Walsh amendment or not. All we have to go on at this time is the comment from Secretary Glickman which says, "I am writing to express my strong concerns and objections to the adoption of the amendment in question."

Like the gentleman, I would like to see something worked out. My concern about this rule is that it does not give us the opportunity to have another approach to this problem the way the gentleman from Illinois [Mr. DURBIN] would have liked to have had in the amendment that he offered.

I do not have any objection to the goals that I think all of us share.

Mr. ROBERTS. I thank the gentleman for his contribution.

The statement by the Secretary, I feel—I cannot speak for Secretary Glickman although I try a lot, in Kansas, we try to get him to go at least 65 in a 55-mile-an-hour zone—but I think in regards to his comment on meat inspection, that it is somewhat dated.

We have had a lengthy meeting, as I have said, a bipartisan one, with the members of the Committee on Agriculture, the leadership of the committee that will have to produce the legislation to follow up in regards to the rulemaking.

We are negotiating now with language that I think may have a chance to work. I would just urge the gentleman to maybe consider that. There will be ample time, I think, for the gentleman to raise his points of concern.

Mr. OBEY. If the gentleman will yield further, I like to hear that, because frankly you are the people that should be working the language out. Those of us on the Committee on Appropriations, I do not think, have the expertise that your committee has to deal with the issue.

Mr. ROBERTS. I would like for the gentleman to say that again about 4 times on virtually every subject that has come up under this appropriation bill if he would.

Mr. OBEY. I have said that on at least one other occasion in the past 2 weeks.

Mr. ROBERTS. The gentleman has got two to go. Reclaiming my time, we have worked out a partnership arrangement with the gentleman from New Mexico [Mr. SKEEN] and others on the committee. I am quite confident of the total package.

I see no further use to discuss this at this time unless the gentleman from New Mexico has a question or the distinguished gentleman from California.

Mr. DREIER. Mr. Speaker, I simply would like to say that this is a new day. We have seen tremendous cooperation between the authorizing committee and the appropriations subcommittee that is dealing with this.

Mr. Speaker, I yield 30 seconds to my friend, the gentleman from New Mexico [Mr. SKEEN], the chairman of the subcommittee.

Mr. SKEEN. I thank the gentleman for yielding me the time.

Mr. Speaker, I want to assure the gentleman from Wisconsin that there is going to be every opportunity for any other approach to this during the consideration of this particular bill and rule. The gentleman from Illinois [Mr. DURBIN] has one of them. I appreciate the concern, but I think this tactic of trying, if we do not pass the rule, delays the process of coming up with an adequate solution to this problem in itself. I would not like to see the delayed. I appreciate the concerns of the gentleman from Wisconsin.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Syracuse, NY [Mr. WALSH].

Mr. WALSH. I thank my good friend the gentleman from California for yielding me the time.

Mr. Speaker, I would like to first of all rise in strong support of this rule and commend our chairman, the gentleman from New Mexico [Mr. SKEEN], who has worked very, very closely with our ranking minority member, the gentleman from Illinois [Mr. DURBIN], on this bill all the way along. The same sense of fairness that the gentleman from Illinois [Mr. DURBIN] presented last year, the gentleman from New Mexico [Mr. SKEEN] has reciprocated, and we have all worked very closely on this together.

Let me just say, I hope we can pass this rule today. I think it is a good rule. It provides for full and open discussion. It is an open rule. I do not think they get any better than that.

Let me just suggest, regarding this amendment that I had offered in the subcommittee and full committee which was accepted, that if there is indeed a compromise worked out, that would be fine. But I want to make sure that the compromise does not gut the amendment.

I think it is very important to show that the subcommittee and the full committee support this amendment for good reasons, because this legislation, the standards that have been proposed by the Secretary will in fact change the way meat is inspected. The meat industry supports that idea. They support the higher standards. I think everyone does. It is how we get to them that matters.

What I have proposed is simply a 9-month process of negotiated rule-making that would allow all the principals to come together, work out the

differences, everyone be on equal footing, no one with special promises, everyone working basically with a plain white canvas with the same set of paints to get to a finished product on this legislation.

□ 1630

This is not a delay in any sense. In fact, if this negotiated rulemaking process were followed, I think we would avoid a lot of lengthy, costly lawsuits.

But again, if a compromise is worked out that is fair to everyone, I am going to support it. But I have not seen that agreement yet. I have worked very closely with the gentleman from Illinois [Mr. DURBIN]. I have discussed this fully with the staff, with the agriculture commissioner, and we are working conscientiously to resolve this important issue, and it is an important issue.

But just let me enter a couple of facts into this. First of all, 90 percent of the meat currently inspected in this country meets these higher standards. We are talking about 10 percent. Also, let me say 90 percent of food-borne illness in this country comes not from meat processing but from the failure to cook it properly, and the Secretary would do us all a service if he would get up on his bully pulpit and tell people: "Cook your hamburger, cook it; cook it until it is black if you have to, but cook it," because that is where the problem is. It is not steaks and chops and poultry and so on. It is because of the way that hamburger is made that we have so much problem with that meat. So cook it. If we did that, if we would all cook it properly, we could substantially reduce this problem.

I thank the gentleman from Kansas [Mr. ROBERTS], the gentleman from New Mexico [Mr. SKEEN], the gentleman from Wisconsin [Mr. OBEY], the gentleman from Illinois [Mr. DURBIN], and the gentleman from California [Mr. DREIER] all for their interest. If there is to be a compromise, I will support it, but it has to be a real compromise.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further requests for time. I would say though that I would urge a no vote on the previous questions. And if the previous question would be defeated, I would offer an amendment to the rule which would make in order an amendment which would remove the protection from a point of order under clause 2 of rule XXI for language pertaining to the prevention of implementation of new meat and poultry inspection regulation by the USDA.

I will also offer the Brewster-Harman lockbox amendment, and I include the text of the two amendments at this point in the RECORD.

The amendments referred to are as follows:

On page 2, line 25 strike the period and insert the following: " , except as follows: beginning with " : Provided " on page 24, line 13, through page 25, line 5."

After the period on page 3, line 7 insert the following: "All points of order are waived against the amendment numbered 1 printed in the Congressional Record of July 10, 1995 pursuant to clause 6 of rule XXIII, to be offered by Representative Brewster or his designee."

Mr. HALL of Ohio. Mr. Speaker, if there are no further requests for time from my colleague, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume to simply say that this is a very fair, balanced, and open rule. It is obvious that we have members of the appropriations subcommittee and the authorizing committee working very closely together to deal with the issue of meat inspection. We also are working on a compromise to deal with the question of the lockbox.

It is very important that we overwhelmingly pass first the previous question, and then the rule, and I urge an "aye" vote on both.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SHAYS). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

#### PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

*Resolved*, That during further consideration of H.R. 1977 pursuant to House Resolution 187, further consideration of the bill for amendment in the Committee of the Whole House on the state of the Union shall proceed without intervening motion except: (1) amendments printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before July 14, 1995; (2) motions that the Committee rise offered by the majority leader or his designee; and (3) motions that the Committee rise and report the bill to the House with such amendments as may have been adopted offered as preferential under clause 2(d) of rule XXI. Each further amendment to the bill may be offered only by the Member who caused it to be printed, shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole